

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: **03/06/2014**

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CHRISTOPHER S. DORAN,

Plaintiff,

-v-

CAROLYN COLVIN,
Acting Commissioner of Social Security,

Defendant.
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13 Civ. 6278 (JMF) (MHD)

ORDER ADOPTING
REPORT AND
RECOMMENDATION

JESSE M. FURMAN, United States District Judge:

This Social Security case was referred to Magistrate Judge Michael H. Dolinger for a Report and Recommendation. In a Report and Recommendation filed on December 26, 2013, Magistrate Judge Dolinger recommended that the complaint be dismissed without prejudice based on an affidavit from Plaintiff deemed “tantamount to a Rule 41 notice of dismissal.” (Docket No. 6). The Report and Recommendation advised the parties that they had fourteen days to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. In addition, it expressly called Plaintiff’s attention to Rule 72 of the Federal Rules of Civil Procedure and Title 28, United States Code, Section 636(b)(1). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Plaintiff has waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992); *see also Caidor v. Onondaga County*, 517 F.3d 601 (2d Cir. 2008).

Even without the waiver, dismissal is plainly appropriate in light of Plaintiff’s affidavit, which is attached to the Report and Recommendation. Accordingly, it is hereby ORDERED that the Report and Recommendation is ADOPTED in its entirety and that Plaintiff’s Complaint is dismissed without prejudice. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: March 6, 2014
New York, New York



JESSE M. FURMAN
United States District Judge